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EXAMINER	
NGUYEN, THU HA T	

ART UNIT	PAPER NUMBER
2155	4

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No	Applicant(s)	
	09/706,279	SHAPIRA, JOE Y.	
	Examiner	Art Unit	
	Thu Ha T. Nguyen	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 November 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims **1- 31** are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 recites the limitation "searching user" in line 10. Claim 2 recites the limitation "prospect user" in line 16. Claim 16 recites limitations "searching user" and "prospect user" in lines 12 and 16. Claim 29 recites limitations "searching user" and "prospect user" in lines 9 and 13. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

4. Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-15 are computer program product. Claims 16-28 claim the method. Therefore, method of claim 28 cannot depend on claim 10 of the computer program product. For purpose of examination, Examiner assume claim 28 depends on claim 23. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Kurzius et al.**, (hereinafter Kurzius) U.S. Patent No. **6,385,620**.

7. As to claim 1, **Kurzius** teaches the invention as claimed, including a computer program product comprising: a computer readable medium having computer readable program code for locating a match embodied therein (col. 1 lines 58-col. 2 lines 24), said computer readable program code configured to:

obtain a first profile associated with a client-user from a searching-user (figure 9, elements 914-915, col. 12 lines 37-col. 13 lines 9);

present a plurality of second profiles associated with a plurality of prospect-users to said searching-user wherein said searching user reviews said plurality of second profiles on behalf of said client-user (figure 9, element 910-912, col. 12 lines 20-36, col. 15 lines 50-66).

8. As to claim 2, **Kurzius** teaches the invention as claimed, further comprising computer readable program code configured to: obtain a selection associated with at least one of said plurality of prospect-users from said searching-user, wherein said selection identifies a selected prospect user (col. 13 lines 17-37).

9. As to claim 3, **Kurzius** teaches the invention as claimed, wherein said selection associated with said at least one of said plurality of prospect-users is stored in favorites list (col. 12 lines 59-col. 13 lines 9).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 4-6, 10-11, and 16-19 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Kurzius et al.,** (hereinafter Kurzius) U.S. Patent No. **6,385,620.**

12. As to claim 4, **Kurzius** teaches the invention as claimed, further comprising computer readable program code configured to: transmit a recommendation message to said selected prospect-user (col. 7 lines 23-47, col. 12 lines 59-col. 13 lines 16). **Kurzius** teaches the recruiter selects a candidate that matched with client's profile and transmits the selected candidate to database server. The client then later accesses

database server and browses the selected candidate profile that assigned by the recruiter. It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Kurzius** implicitly discloses the recruiter selects a candidate that matched with client's profile and transmit the selected candidate to database server. The client then later accesses database server and browses the selected candidate profile that assigned by the recruiter equivalent to the step of transmitting a recommendation message to said selected prospect-user disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Kurzius** performs the same function in substantially the same way to reach substantially the same result.

13. As to claim 5, **Kurzius** teaches the invention as claimed, wherein said recommendation message comprises said first profile associated with said client-user (col. 7 lines 23-47, col. 12 lines 59-col. 13 lines 16).

14. As to claim 6, **Kurzius** teaches the invention as claimed, wherein said recommendation message comprises a link associated with said first profile (col. 6 lines 54-col. 7 lines 7, col. 7 lines 23-47, col. 12 lines 59-col. 13 lines 16. hypertext links associated with candidate profile).

15. As to claim 10, **Kurzius** teaches the invention as claimed, further comprising computer readable program code configured to: obtain a response message

from said at least one said selected prospect-user; transmit said response message to said client-user (figures 11, 13, col. 14 lines 5-39).

16. As to claim 11, **Kurzius** teaches the invention as claimed, wherein said computer readable program code transmits said response message to said searching-user (figure 11, col. 14 lines 5-39).

17. As to claim 15, **Kurzius** teaches the invention as claimed, further comprising computer readable program code configured to: present said response message to said client-user (figure 11, col. 14 lines 5-39).

18. As to claim 16, **Kurzius** teaches the invention as claimed, including in a computer system, a method for locating a match comprising:

obtaining a first profile associated with a client-user from a searching-user (figure 9, elements 914-915, col. 12 lines 37-col. 13 lines 9);

presenting a plurality of second profiles associated with a plurality of prospect-users to said searching-user wherein said searching user reviews said plurality of second profiles on behalf of said client-user (figure 9, element 910-912, col. 12 lines 20-36, col. 15 lines 50-66);

obtaining a selection associated with at least one of said plurality of prospect-users from said searching-user, wherein said selection identifies a selected prospect user (col. 13 lines 17-37);

transmitting a recommendation message to said selected prospect user (col. 7 lines 23-47, col. 12 lines 59-col. 13 lines 16). **Kurzius** teaches the recruiter selects a candidate that matched with client's profile and transmits the selected candidate to database server. The client then later accesses database server and browses the selected candidate profile that assigned by the recruiter. It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Kurzius** implicitly discloses the recruiter selects a candidate that matched with client's profile and transmit the selected candidate to database server. The client then later accesses database server and browses the selected candidate profile that assigned by the recruiter equivalent to the step of transmitting a recommendation message to said selected prospect-user disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Kurzius** performs the same function in substantially the same way to reach substantially the same result.

19. As to claim 17, **Kurzius** teaches the invention as claimed, wherein said selection associated with said at least one of said plurality of prospect-users is stored in a favorites list (col. 12 lines 59-col. 13 lines 9).

20. As to claim 18, **Kurzius** teaches the invention as claimed, wherein said recommendation message comprises information from said first profile associated with said client-user (col. 7 lines 23-47, col. 12 lines 59-col. 13 lines 16).

21. As to claim 19, **Kurzius** teaches the invention as claimed, wherein said recommendation message comprises a link associated with said first profile (col. 6 lines 54-col. 7 lines 7, col. 7 lines 23-47, col. 12 lines 59-col. 13 lines 16. Hypertext links associated with candidate profile).

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

23. Claims 7-9, 12-15, 20-31 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Kurzius et al.,** (hereinafter Kurzius) U.S. Patent No. **6,385,620**, in view of **Walker et al.,** (hereinafter Walker) U.S. Patent No. **5,884,272**.

24. As to claim 7, **Kurzius** does not explicitly teach the invention as claimed; however, **Walker** teaches transmit said recommendation message to said selected prospect-user routes said message through an intermediary (col. 7 lines 29-col. 8 lines 20). It would have been obvious to one of ordinary skill in the Data Processing art at the

time of the invention was made to modify the teachings of **Kurzius** to include the step of transmitting message to said selected prospect-user through an intermediary as teach by **Walker** because it would provide an efficient anonymous communications system that protect and control over the release of identify information to others (col. 4 line 10-13).

25. As to claim 8, **Walker** teaches the invention as claimed, wherein said intermediary removes identifying information associated with said searching-user from said recommendation message before forwarding said recommendation message to said selected prospect-user (figure 9, col. 19 lines 62-col. 20 lines 8). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Kurzius and Walker** to have the same motivation as set forth in claim 7, supra.

26. As to claim 9, **Walker** teaches the invention as claimed, wherein said intermediary comprises a blind exchange (col. 1 lines 49-63, col. 3 lines 48-57, figure 9, col. 19 lines 62-col. 20 lines 8). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Kurzius and Walker** to have the same motivation as set forth in claim 7, supra.

27. As to claim 12, **Kurzius** does not explicitly teach the invention as claimed; however, **Walker** teaches transmitting said response message to said client-user routes

said message through an intermediary (col. 7 lines 29-col. 8 lines 20). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to modify the teachings of **Kurzius** to include the step of transmitting message to said client-user through an intermediary as teach by **Walker** because it would provide an efficient anonymous communications system that protect and control over the release of identify information to others (col. 4 line 10-13).

28. As to claim 13, **Walker** teaches the invention as claimed, wherein said intermediary comprises a blind exchange (col. 1 lines 49-63, col. 3 lines 48-57, figure 9, col. 19 lines 62-col. 20 lines 8). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Kurzius and Walker** to have the same motivation as set forth in claim 12, supra.

29. As to claim 14, **Walker** teaches the invention as claimed, wherein said intermediary removes identifying information associated with said prospect-user (figure 9, col. 19 lines 62-col. 20 lines 8). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Kurzius and Walker** to have the same motivation as set forth in claim 12, supra.

30. As to claim 20, **Kurzius** does not teach the invention as claimed; however, **Walker** teaches wherein said transmitting said recommendation message to said selected prospect-user routes said message through an intermediary (col. 7 lines 29-

col. 8 lines 20). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to modify the teachings of **Kurzius** to include the step of transmitting message to said selected prospect-user through an intermediary as teach by **Walker** because it would provide an efficient anonymous communications system that protect and control over the release of identify information to others (col. 4 line 10-13).

31. As to claim 21, **Walker** teaches the invention as claimed, wherein said intermediary removes identifying information associated with said searching-user from said recommendation message before forwarding said recommendation message to said selected prospect-user (figure 9, col. 19 lines 62-col. 20 lines 8). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Kurzius and Walker** to have the same motivation as set forth in claim 20, supra.

32. As to claim 22, **Walker** teaches the invention as claimed, wherein said intermediary comprises a blind exchange (col. 1 lines 49-63, col. 3 lines 48-57, figure 9, col. 19 lines 62-col. 20 lines 8). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Kurzius and Walker** to have the same motivation as set forth in claim 20, supra.

33. As to claim 23, **Kirzius** teaches the invention as claimed, further comprising: obtaining a response message from said at least one said selected prospect-user (figures 11, 13, col. 14 lines 5-39); transmitting said response message to said client-user (figure 11, col. 14 lines 5-39).

34. As to claim 24, **Kirzius** teaches the invention as claimed, wherein said response message is transmitted to said searching-user (figure 11, col. 14 lines 5-39).

35. As to claim 25, **Kurzius** does not explicitly teach the invention as claimed; however, **Walker** teaches wherein said response message is transmitted to said client-user by routing said response message through an intermediary (col. 7 lines 29-col. 8 lines 20). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to modify the teachings of **Kurzius** to include the step of transmitting message to said client-user through an intermediary as teach by **Walker** because it would provide an efficient anonymous communications system that protect and control over the release of identify information to others (col. 4 line 10-13).

36. As to claim 26, **Walker** teaches the invention as claimed, wherein said intermediary comprises a blind exchange (col. 1 lines 49-63, col. 3 lines 48-57, figure 9, col. 19 lines 62-col. 20 lines 8). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Kurzius and Walker** to have the same motivation as set forth in claim 25, supra.

37. As to claim 27, **Walker** teaches the invention as claimed, wherein said intermediary removes identifying information associated with said prospect-user (figure 9, col. 19 lines 62-col. 20 lines 8). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Kurzius and Walker** to have the same motivation as set forth in claim 25, supra.

38. As to claim 28, **Kurzius** teaches the invention as claimed, further comprising: presenting said response message to said client-user (figure 11, col. 14 lines 5-39).

39. As to claim 29, **Kurzius** teaches the invention as claimed, including in a computer system, a method for locating a match comprising:

obtaining a first profile associated with a client-user from a searching-user (figure 9, elements 914-915, col. 12 lines 37-col. 13 lines 9);

presenting a plurality of second profiles associated with a plurality of prospect-users to said searching-user wherein said searching user reviews said plurality of second profiles on behalf of said client-user (figure 9, element 910-912, col. 12 lines 20-36, col. 15 lines 50-66);

obtaining a selection associated with at least one of said plurality of prospect-users from said searching-user, wherein said selection identifies a selected prospect user (col. 13 lines 17-37);

obtaining a response message from said selected prospect-user (figure 11, col. 14 lines 5-39);

obtaining a reply message from said client-user (figure 11, col. 14 lines 5-39);

transmitting said reply message to said prospect-user (figure 11, col. 14 lines 5-39).

transmitting a recommendation message comprising information from said first profile to said selected prospect-user (col. 7 lines 23-47, col. 12 lines 59-col. 13 lines 16). **Kurzius** teaches the recruiter selects a candidate that matched with client's profile and transmits the selected candidate to database server. The client then later accesses database server and browses the selected candidate profile that assigned by the recruiter. It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Kurzius** implicitly discloses the recruiter selects a candidate that matched with client's profile and transmit the selected candidate to database server. The client then later accesses database server and browses the selected candidate profile that assigned by the recruiter equivalent to the step of transmitting a recommendation message to said selected prospect-user disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Kurzius** performs the same function in substantially the same way to reach substantially the same result.

Kurzius does not explicitly teach transmitting said response message to said client-user via said blind exchange; and transmitting a recommendation message comprising information from said first profile to said selected prospect-user via a blind

exchange. However, **Walker** teaches transmitting first party and second party profile and request/response through central controller. Central controller will remove parties' identities before forward to another party (col. 7 lines 29-col. 8 lines 20). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to modify the teachings of **Kurzius** to include the step of transmitting message and response to said client-user and prospect-user via said blind exchange as teach by **Walker** because it would provide an efficient anonymous communications system that protect and control over the release of identify information to others (col. 4 line 10-13).

40. As to claim 30, **Kurzius** teaches the invention as claimed, wherein said transmitting provides said searching-user said response message (figure 11, col. 14 lines 5-39).

41. As to claim 31, **Kurzius** teaches the invention as claimed, wherein said transmitting provides said searching-user said reply message (figure 11, col. 14 lines 5-39).

Conclusion

42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (please see PTO-892).

43. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (703) 305-7447. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached at (703) 308-6662.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications.

Thu Ha Nguyen

April 30, 2004

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER